Mayor Spellman called the regular meeting of the City Council to order on Wednesday, August 26, 2020, at 3:00 p.m.

Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

City Attorney Hoffmann, City Manager Cole, Acting Police Chief Cooper, Police Commander Jantz, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning, and Development Director Linker, Baseline Consultant Harris, IT Manager Muhammad, and IT Systems Analyst Blenker.

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

City Clerk Greiner confirmed two changes to the agenda: items 8D and 8E were previously combined, and now are two separate ordinances.

City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. No conflicts were noted from City Council.

City Attorney Hoffmann asked the zoom audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. There were no objections noted.
5. EXECUTIVE SESSION:

MOTION TO ADJOURN INTO EXECUTIVE SESSION

City Attorney Hoffmann recommended item number 2 only for Executive Session for specific legal questions related to the November 3, 2020, Special Election.

MOTION PASSED

Alderman Bennett MOVED and was SECONDED by Alderman Johnson to adjourn into Executive Session at 3:03 p.m. to hold a conference with the City’s Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

MOTION TO RESUME TO OPEN, REGULAR SESSION OF MEETING

Alderman Bennett MOVED and was SECONDED by Alderman Johnson to reconvene to the open, regular session of the meeting at 3:45 p.m.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

6. PUBLIC COMMENT:

City Clerk Greiner confirmed no one had signed up to speak.

7. APPROVAL OF MINUTES:

MOTION TO APPROVE

August 12, 2020 Regular City Council Meeting

MOTION PASSED

Alderman Armbright MOVED and was SECONDED by Alderman Johnson to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion passed unanimously.

MOTION TO APPROVE

August 12, 2020, Black Hawk Urban Renewal Authority Meeting

MOTION PASSED

Alderman Johnson MOVED and was SECONDED by Alderman Moates to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion passed unanimously.
8. PUBLIC HEARINGS:

A. Resolution 46-2020, A Resolution Denying a Variance to Allow a Height Variance which would Allow a Structure 103 Feet in Height (continued to September 23, 2020)

B. Resolution 47-2020, A Resolution Conditionally Approving a Certificate of Architectural Compatibility and a Site Development Plan for the T Mobile Facility Located at 821 Miners Mesa Road (continued to September 23, 2020)


MOTION TO CONTINUE
Alderman Moates MOVED and was SECONDED by Alderman Bennett to continue the Public Hearings on Resolution 46-2020 and Resolution 47-2020 to September 23, 2020.

MOTION PASSED
There was no discussion, and the motion PASSED unanimously.

C. CB19, An Ordinance Approving the Rezone of Fifteen (15) Properties Owned by the City of Black Hawk (continued to September 23, 2020)

Mayor Spellman asked to continue this Public Hearing for Ordinance 2020-19 to September 23, 2020.

MOTION TO CONTINUE
Alderman Bennett MOVED and was SECONDED by Alderman Torres to continue the Public Hearing on CB19, an Ordinance approving the rezone of fifteen (15) properties owned by the City of Black Hawk to September 23, 2020.

MOTION PASSED
There was no discussion, and the motion PASSED unanimously.

D. CB20, An Ordinance Setting a Ballot Question for a November 3, 2020 Special Election to be Conducted as a Coordinated Election with Gilpin County Pursuant to the Colorado Municipal Election Code

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann explained that this ordinance would set a Special Election for November 3, 2020, and authorize one ballot question, which would be concurrent with and contingent upon state approval of the state initiative allowing the three gaming communities to raise limits and add additional games. He said it would make the limits in Black Hawk unlimited, if passed at the state level, and give Council the authority, by resolution, to approve additional games. He added that
City Council would approve the additional games, and then the Gaming Commission would make the rules.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB20, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Midcap MOVED and was SECONDED by Alderman Armbright to approve CB20, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

E. CB21, An Ordinance Setting a Ballot Question for a November 3, 2020 Special Election to be Conducted as a Coordinated Election with Gilpin County Pursuant to the Colorado Municipal Election Code

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item, which adds an additional ballot question to the Special Election set from Ordinance 2020-20. He said this is a TABOR question authorizing a new tax, an Excise Tax of .25% on the wager of a sports bet, not the proceeds but the initial bet.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB21, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.
MOTION TO APPROVE  Alderman Armbright MOVED and was SECONDED by Alderman Torres to approve CB21, an Ordinance setting a Ballot Question for a November 3, 2020, Special Election to be conducted as a Coordinated Election with Gilpin County pursuant to the Colorado Municipal Election Code.

MOTION PASSED  There was no discussion, and the motion PASSED unanimously.

F. CB22, An Ordinance Amending Chapter 4, Article IV, of the Black Hawk Municipal Code to Define Economic Nexus and Update Methods for Collection and Remittance of Sales Tax

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this amendment to Chapter 4 for sales tax. He said this amendment updates a few definitions regarding economic nexus and some changes in how online vendors collect and submit sales tax. He added that all Home Rule municipalities are making these changes.

PUBLIC HEARING:  Mayor Spellman declared a Public Hearing on CB22, an Ordinance amending Chapter 4, Article IV, of the Black Hawk Municipal Code to define Economic Nexus and update methods for collection and remittance of sales tax open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE  Alderman Bennett MOVED and was SECONDED by Alderman Moates to approve CB22, an Ordinance amending Chapter 4, Article IV, of the Black Hawk Municipal Code to define Economic Nexus and update methods for collection and remittance of sales tax.

MOTION PASSED  There was no discussion, and the motion PASSED unanimously.

G. CB23, An Ordinance Approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement By and Between the City of Central, the City of Black Hawk, Gilpin County, and the Black Hawk-Central City Sanitation District

Mayor Spellman read the title and opened the public hearing.
City Attorney Hoffmann explained that in the rush to get the amended and restated Growth Intergovernmental Agreement done due to the Central City lawsuit regarding Proximo, Central City now has some concerns about potential ambiguity related to Clear Creek County. He emphasized that the City of Black Hawk never intended to cover anything in Clear Creek County. Still, none the less, Central City was concerned it was an ambiguity, so Section 2 is further defined.

He went on to say that during this, the City recognized that they also had an issue in the area surrounding the Lynn property located in the Central City growth area. He said that all conversations had discussed that area being limited to open space, so this fixes that as well and identifies a new exhibit that is limited in Central City to being open space around the Lynn Ranch. It was noted that Central City has already executed this document.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB23, an Ordinance approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement by and between the City of Central and the City of Black Hawk open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Armbright to approve CB23, an Ordinance approving Amendment No. 1 to the Amended and Restated Intergovernmental Agreement by and between the City of Central and the City of Black Hawk.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**9. ACTION ITEMS:**

None

**10. CITY MANAGER REPORTS:**

City Manager Cole had nothing to report.

**11. CITY ATTORNEY:**

City Attorney Hoffmann had nothing to report.

**12. EXECUTIVE SESSION:**

None
13. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 3:55 p.m.

Michele Martin, CMC
City Clerk

David D. Spellman
Mayor